

REMARKS

It is believed that the present amendments and remarks below are fully responsive to the Office Action mailed on October 12, 2006. Reexamination and reconsideration of the present claims pursuant to 37 CFR 112 is respectfully requested.

The objections to the specification and claim 235 are moot in view of the present amendments.

Claims 235-271 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed to the extent it may be applicable to the claims as amended herein.

The criticism of T1R3-associated taste is moot as this phrase has been deleted from the claims as amended. With further respect thereto the current claims now simply recite human taste. The as-filed application describes the use of T1R3 in binding assays for identifying compounds that modulate human taste. Additionally, it is noted that the same Examiner has acknowledged in the parent application 09/799,629 that the identical specification teaches and describes the role of T1R3 in human taste, particularly sweet taste.

Additionally, the Office Action criticizes the recitation “putatively” and queries the intent. The intent which Applicants respectfully submit would be clear to a skilled artisan is that compounds which are identified in the claimed assays as binding T1R3 correspond to compounds that putatively, i.e., likely affect human taste which can be confirmed in a human taste test as recited e.g., in claim 271.

Additionally the Office Action indicates that the meaning of stringent hybridization conditions. However, the criticism thereof is moot in view of the claims as amended herein which define the stringency conditions based on the definition thereof in the specification on page.

Accordingly, Applicants respectfully request that the 112 second paragraph rejection of claims 235-271 be withdrawn.

Claims 235-271 further stand rejected under 35 USC 112 first paragraph as being non-enabled. This rejection is respectfully traversed to the extent it may be applicable to the claims as amended herein.

First, the Office Action criticizes the recitation "human T1R3-associated taste" and urges that the meaning thereof is unclear from the as-filed specification. This rejection should be moot as the claims as amended now recite "sweet taste" in lieu of "T1R3-associated taste". With respect thereto, the Examiner has acknowledged in the parent application that the as-filed specification adequately enables that the T1R3 polypeptide and the gene that encodes same is involved in sweet taste transduction in humans. Therefore, this rejection is believed to be overcome.

The Office Action also indicates that the specification does not adequately enable assays that use fragments of the T1R3 polypeptide. This basis of the rejection should be moot as the claims now recite assays that use T1R3 polypeptide fragments.

The Office Action also indicates that the specification does not enable the selection of T1R3 polypeptides that possess at least 90% sequence identity to SEQ ID NO:4, or which

hybridize under the recited stringent hybridization conditions useful in the claimed assays. Applicants respectfully submit that this rejection also should be moot in view of the present claims which are consistent with the scope of claims being pursued in the parent application, 09/799,629. The claims further require that the recited T1R3 polypeptide be used in assays to identify compounds that modulate or elicit sweet taste. Therefore, it would be apparent to a skilled artisan that the T1R3 polypeptide possessing at least 90% sequence identity to SEQ ID NO:4 or which is encoded by a polypeptide that hybridizes to the recited T1R3 gene sequences under specific stringent hybridization conditions must bind to sweet ligands. As noted in the parent application, it would be routine for a skilled artisan to express T1R3 polypeptide sequences falling within the scope of the claims and ascertain those of which specifically bind to sweet ligands.

The criticism that the as-filed specification does not adequately enable the compounds which are intended for use in the recited competitive binding assays is believed to be overcome based on the amendment of claim 235 to now recite that the claimed assay screens for compounds that modulate or elicit sweet taste. Thus the claims have been amended to contain a functional limitation that would enable a skilled artisan to practice the full scope of the claimed invention. Particularly the specification would sufficiently teach to a skilled artisan that a compound which specifically binds the recited T1R3 polypeptide would be a ligand that modulates or elicits sweet taste, e.g., a natural or artificial sweetener or sweet enhancer. As of the date of the present invention the skilled artisan would be well aware of sweet ligands that would be anticipated to specifically bind T1R3 polypeptides and which would be useful in the recited competitive binding assays.

Based on the foregoing, withdrawal of the 112 enablement rejection of claims 235-271 is respectfully requested.

Claims 235-270 also stand rejected under 35 USC 112 first paragraph as allegedly not satisfying the written description requirement. The basis for this rejection is substantially the same as the 112 enablement rejection of the same claims.

Accordingly, this rejection is respectfully traversed for the reasons set forth in the traversal of the enablement rejection. It is anticipated that these arguments in combination with the present amendments considerably limiting the scope of claims to a more limited genus of TIR2 polypeptides which further must bind a sweet ligand should obviate the prior rejection.

Finally claims 235-271 stand provisionally rejected on double patenting grounds based on commonly assigned US Serial No. 10/725,081. Applicants request that this rejection be held in abeyance until this application is otherwise in condition for allowance. At that time a Terminal Disclaimer will be submitted if appropriate.

It is anticipated that the present amendments will place the case in condition for allowance.

Based on the foregoing, a Notice to that effect is respectfully solicited. Reconsideration and allowance of all claims are respectfully requested. If any issues remain after consideration of this Amendment, Examiner Brannock is respectfully requested to contact the undersigned by telephone (202-419-2018) so that these issues can be resolved by Examiner's Amendment or a Supplemental Response.

Applicants believe that no fee is due with the filing of this Amendment. However, in the event that the calculations of the Office differ, Commissioner is hereby authorized to charge or

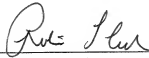
credit any such variance or credit any overpayment to the undersigned's Deposit Account No.
50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Date: **January 11, 2007**

By: _____



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